

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:19-CV-434-FL

WILLIAM PASSARELLA,

Plaintiff,

v.


CARDINAL FINANCIAL CORP. a/k/a
Fleet Mortgage Corp.,

Defendant.

ORDER

This matter is before the court on plaintiff's motion for reconsideration (DE 86) of the court's November 9, 2020, order dismissing the instant matter without prejudice pursuant to 28 U.S.C. § 1915(g). Upon careful review of the motion and the record in this case, plaintiff has not presented a basis in fact or law for reconsideration of the court's order. Plaintiff suggests the "three strikes" provisions of § 1915(g) should not apply because he has paid a filing fee in three prior cases used as "three strikes" predicates. (DE 86 at 1). However, each of those cases was closed upon dismissal under § 1915(e), thus providing the predicate for application of the "three strikes" rule under § 1915(g) in the instant case. See 28 U.S.C. § 1915(g); Tolbert v. Stevenson, 635 F.3d 646, 650 (4th Cir. 2011). Therefore, plaintiff's motion for reconsideration is DENIED.

SO ORDERED, this the 12th day of January, 2021.


LOUISE W. FLANAGAN
United States District Judge